

**To the Honorable Council
City of Norfolk, Virginia**


March 15, 2016

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Special Exception to operate a Used Merchandise Sales establishment –
7924 Chesapeake Boulevard, Suite A – Lost & Found Treasures**

Reviewed: 
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 5/6

Approved: 
Marcus D. Jones, City Manager

Item Number: **R-4**

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Special Exception to operate a Used Merchandise Sales establishment.
- IV. **Applicant:** Lost & Found Treasures
- V. **Description:**
 - The site is located within the Bayview Plaza shopping center, which is on the northeast corner of Chesapeake Boulevard and East Little Creek Road, within the southeastern section of the South Bayview neighborhood, across from the Crossroads neighborhood.
 - This request would allow a new business, Lost & Found Treasures, to operate a used merchandise establishment within a suite of the shopping center.

	Proposed
Hours of Operation	9:00 a.m. until 6:00 p.m., Monday through Thursday 9:00 a.m. until 9:00 p.m., Friday and Saturday Closed Sunday

Staff point of contact: Matthew Simons at 664-4750, matthew.simons@norfolk.gov

Attachments:

- Staff Report to CPC dated February 25, 2016 with attachments
- Letter of support – South Bayview Civic League
- Proponents and Opponents
- Ordinance

Proponents and Opponents

Proponents

Dennis Shy – Applicant
7924-A Chesapeake Boulevard
Norfolk, VA 23518

Opponents

None

Planning Commission Public Hearing: February 25, 2016

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Matthew Simons, AICP, CZA, CFM

Staff Report	Item No. 7	
Address	7924 Chesapeake Boulevard, Suite A	
Applicant	Lost & Found Treasures	
Request	Special Exception	Used merchandise sales
Property Owner	Seventy-Nine Fifty Associates	
Site Characteristics	Site/Building Area	2.2 acres/2,246 sq. ft. (proposed)
	Future Land Use Map	Commercial
	Zoning	C-2 (Corridor Commercial)
	Neighborhood	South Bayview/Crossroads
	Character District	Suburban
Surrounding Area	North	R-6 (Single-Family): single-family homes
	East	R-7 (Single-Family): single-family homes
	South	C-2: NowCare, Dawg Shack, Harbor Inn, El Gavilan Pupuseria, retail shops
	West	C-2: Superspray Car Wash, Barber's Home Improvements, CVS Pharmacy



A. Summary of Request

- The site is located within the Bayview Plaza shopping center, which is on the northeast corner of Chesapeake Boulevard and East Little Creek Road, within the southeastern section of the South Bayview neighborhood, across from the Crossroads neighborhood.
- This request would allow a new business, Lost & Found Treasures, to operate a used merchandise establishment within a suite of the shopping center.

B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as commercial.

C. Zoning Analysis

i. General

- The use is permitted in the C-2 district by special exception.
- The site is located along a commercial corridor with limited residential exposure to the north and east.
- The attached conditions ensure compliance with *plaNorfolk2030* and all *Zoning Ordinance* requirements.

	Proposed
Hours of Operation	9:00 a.m. until 6:00 p.m., Monday through Thursday 9:00 a.m. until 9:00 p.m., Friday and Saturday Closed Sunday

ii. Parking

- The proposed establishment is located within the Bayview Plaza shopping center, which, given the square footage of the two structures, requires 100 parking spaces to meet current parking standards.
 - The shopping center is developed with 130 parking spaces, which is sufficient to accommodate the nine spaces needed for the proposed use.

iii. Flood Zone

The property is located in the X Flood Zone, which is a low-risk flood zone.

D. Transportation Impacts

- No new trips are forecast related to the proposed change of retail use at this existing commercial location.
- Chesapeake Boulevard adjacent to the site is an identified priority corridor in the City of Norfolk Bicycle and Pedestrian Strategic Plan.

E. Historic Resources Impacts

The site is not located within a federal, state, or local historic district.

F. Public Schools Impacts

The site is located in the Crossroads Elementary School, the Azalea Middle School and Norview High School districts.

G. Environmental Impacts

- The applicant has agreed to make landscaping improvements to the site to bring the site closer to conformance with the landscaping and buffering requirements in the *Zoning Ordinance*.
 - A landscape island will be installed in the existing parking lot, to include one tree and three shrubs with species, spacing, and height upon installation to be determined by the City's Department of Recreation, Parks and Open Space.
 - The new landscape island will also reduce the imperviousness of the site, which will reduce stormwater runoff.

H. Surrounding Area/Site Impacts

- Over the past year there have been one call for police service with no arrest made.
- By requiring this use to conform to the conditions listed below, the proposed establishment should not have a negative effect on the surrounding neighborhood.

I. Payment of Taxes

The owner of the property is current on all real estate taxes.

J. Civic League

- Notice was sent to the South Bayview, Crossroads and Oakwood Civic Leagues on January 13.
- The applicant contacted the civic leagues on January 6.

K. Communication Outreach/Notification

- Legal notice was posted on the property on January 19.
- Letters were mailed to all property owners within 300 feet of the property on February 11.
- Legal notification was placed in *The Virginian-Pilot* on February 11 and 18.

L. Recommendation

Staff recommends **approval** of the special exception request, considering compliance with *Zoning Ordinance* requirements, subject to the conditions below:

- (a) Prior to the issuance of any business license for the used merchandise sales establishment, landscaping shall be installed and shall conform to the standards in accordance with the landscape plan attached hereto and marked as "Exhibit A," subject to any revisions as may be required by the City's Landscape Architect within the Department of Recreation, Parks and Open Space.

- (b) All landscaping installed on the premises shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.
- (c) No merchandise shall be left, dropped off, stored or displayed outdoors.
- (d) There shall be no auctions for the sale of merchandise.
- (e) Notwithstanding any other regulations pertaining to temporary window signage within Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), no less than 85% of the glass areas of the ground floor of the building shall be transparent as defined in the Zoning Ordinance.
- (f) During all hours of operation the establishment operator shall be responsible for maintaining the property, those portions of public rights-of-way improved by sidewalk, and those portions of any parking lot adjacent to and used by customers of the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (g) The property shall be kept in a clean and sanitary condition at all times.
- (h) The establishment shall maintain a current, active business license at all times while in operation.

Attachments

Location Map
Zoning Map
1000' radii map of similar establishments
Application
Notice to the Civic Leagues

Proponents and Opponents

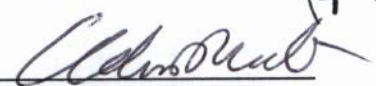
Proponents

Dennis Shy – Applicant
7924-A Chesapeake Boulevard
Norfolk, VA 23518


Opponents

None

Form and Correctness Approved:

By 
Office of the City Attorney

Contents Approved: 

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO OPERATE A USED MERCHANDISE SALES ESTABLISHMENT NAMED "LOST AND FOUND TREASURES" ON PROPERTY LOCATED AT 7924 CHESAPEAKE BOULEVARD, SUITE A.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to permit the operation of a used merchandise sales establishment named "Lost and Found Treasures" on property located at 7924 Chesapeake Boulevard, Suite A. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 303 feet, more or less, along the eastern line of Chesapeake Boulevard, 292 feet, more or less, along the southern line of Eagle Avenue, and 327 feet, more or less, along the western line of Lion Avenue; premises numbered 7924 Chesapeake Boulevard, Suite A.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation shall be limited to 9:00 a.m. until 6:00 p.m. Monday through Thursday, 9:00 a.m. until 9:00 p.m. on Friday and Saturday, and closed Sunday. No operation of this facility outside of these hours is allowed.
- (b) Landscaping shall be installed in conformance with the landscape plan attached hereto and marked as "Exhibit A," subject to any revisions as may be required by the City's Landscape Architect with the Department of Recreation, Parks and Open Space. No business license shall be issued for any use of the property as a used merchandise sales establishment until this condition has been complied with in its entirety.

- (c) All landscaping installed on the premises shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.
- (d) No merchandise shall be left, dropped off, stored or displayed outdoors.
- (e) There shall be no auctions for the sale of merchandise.
- (f) Notwithstanding any other regulations pertaining to temporary window signage within Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), no less than 85% of the glass areas of the ground floor of the building shall be transparent as defined in the Zoning Ordinance.
- (g) During all hours of operation the establishment operator shall be responsible for maintaining the property, those portions of public rights-of-way improved by sidewalk, and those portions of any parking lot adjacent to and used by customers of the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, and both solid and liquid waste.
- (h) The property shall be kept in a clean and sanitary condition at all times.
- (i) The establishment shall maintain a current, active business license at all times while in operation.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the

property within the neighborhood in which it is located;

- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

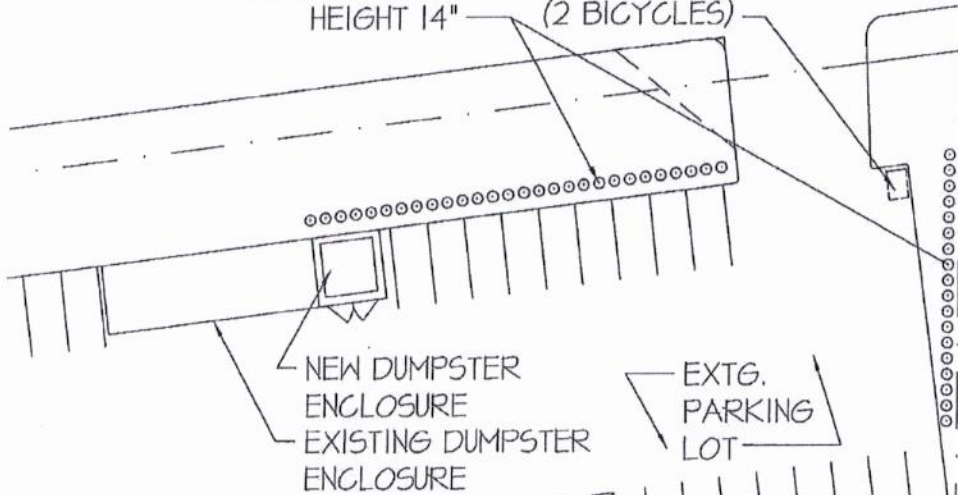
ATTACHMENT:

Exhibit A (1 page)

Exhibit A

HELLERI HOLLY -
SPACED 3'-6" O/C
MINIMUM INSTALL
HEIGHT 14"

BIKE RACK
LOCATION
(2 BICYCLES)



NON SMOKING
SECTION
ENTRANCE

HARBOR INN
SUITE F

SMOKING
SECTION
ENTRANCE

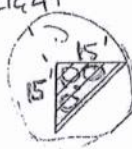
Tree = Zelkova ①
in middle

Shrubs = Klein's Hardy ③
"Gerdevia"

REF - 2 1/2" CAL. & 8'-0" HEIGHT

EXTG. PARKING LOT

SHRUBS - 18" @ INSTALL
HEIGHT



7924 CHESAPEAKE BOULEVARD ARCH. SITE PLAN

1" = 40'

Tree - Zelkova Green Vase) Allee Elm

Shrub - Klein's Hardy) Helleri Holly) Daruma = Lonicera

Location Map

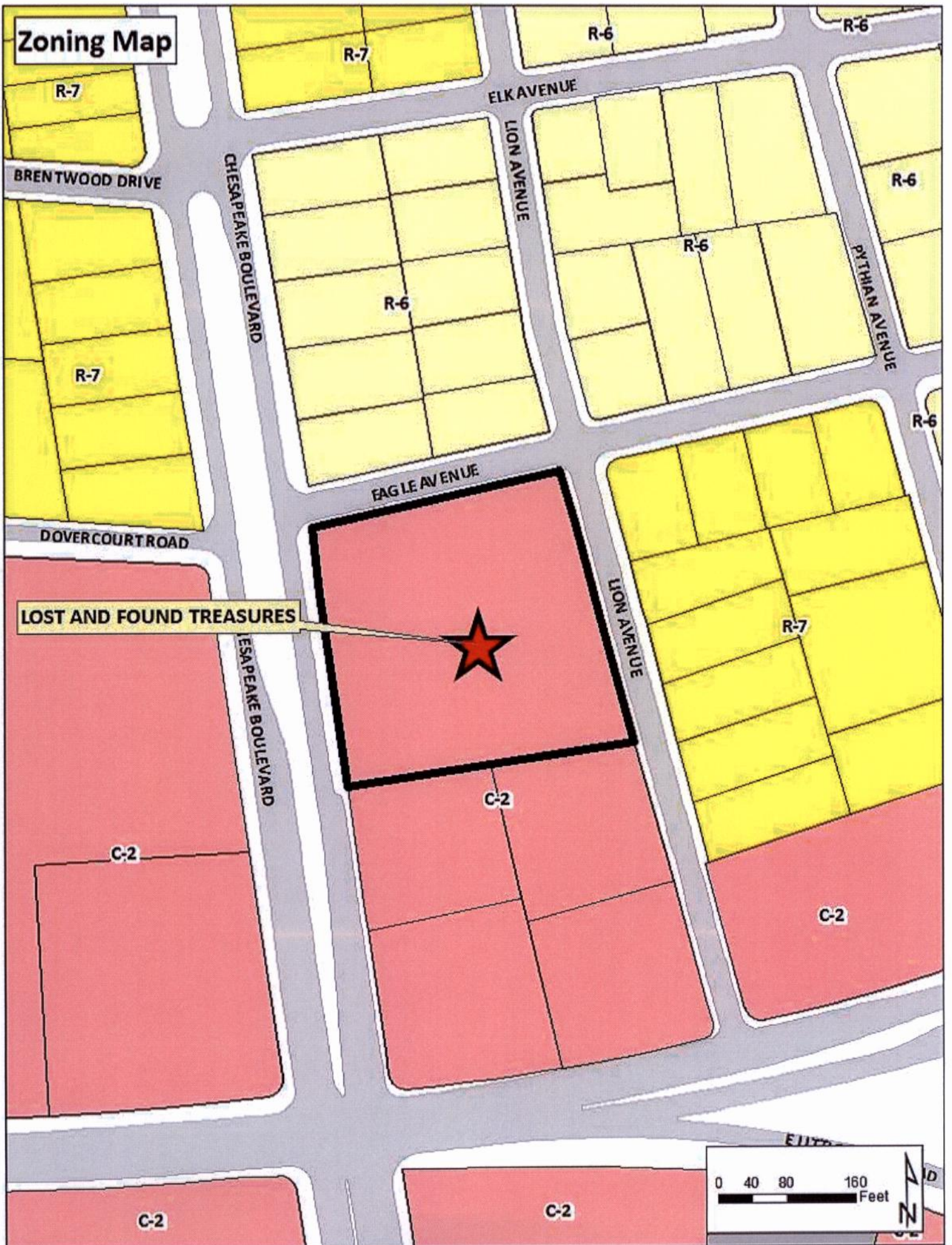


LOST AND FOUND TREASURES

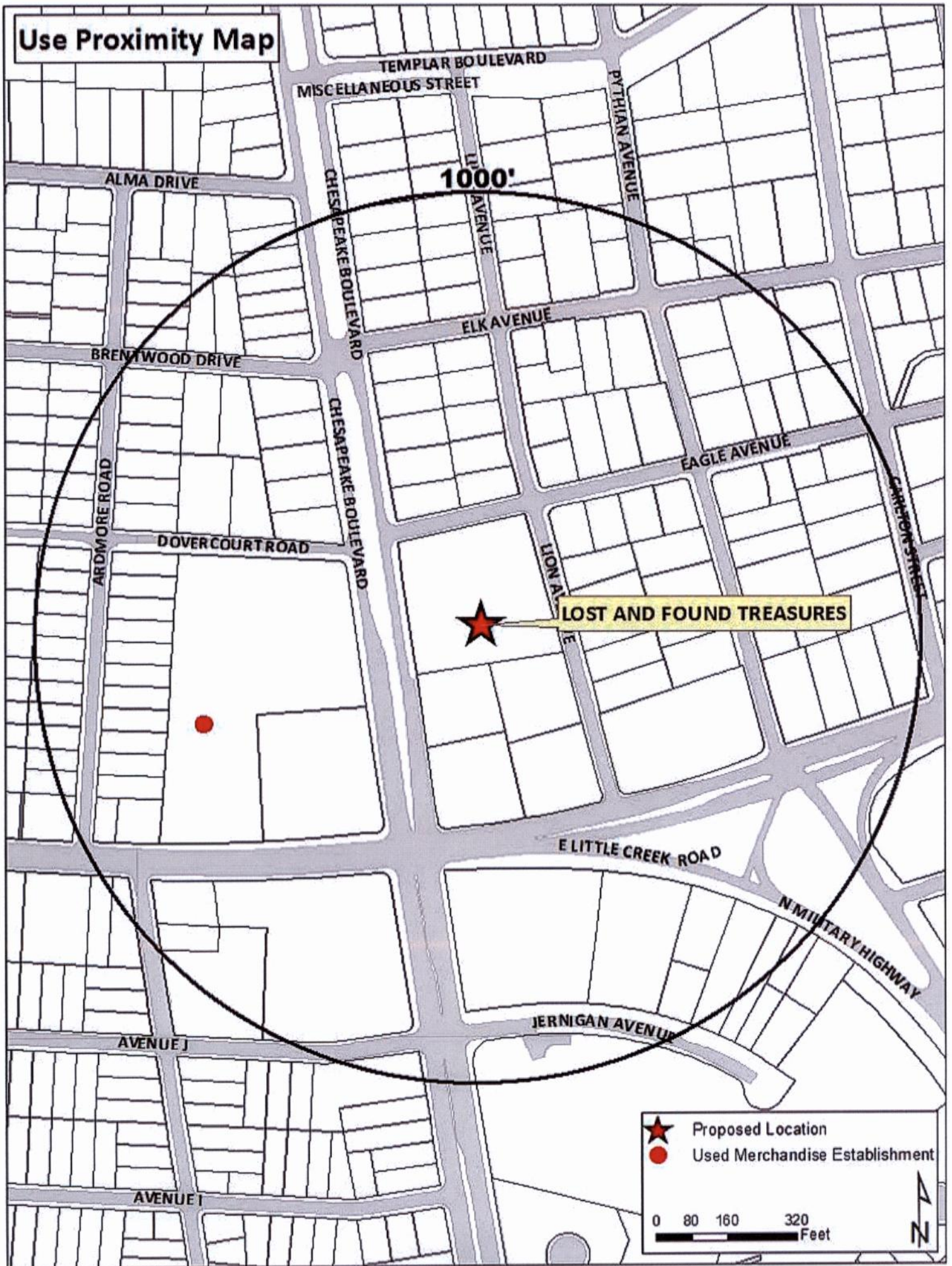
0 15 30 60
Feet



Zoning Map



Use Proximity Map





APPLICATION
SPECIAL EXCEPTION

Special Exception for: Used Merchandise Store

Date of application: 1-11-16

DESCRIPTION OF PROPERTY

Property location: (Street Number) 7924-A (Street Name) Chesapeake Blvd

Existing Use of Property Retail

Current Building Square Footage 2,246

Proposed Use Thrift store / second hand Items. Gently used items, which we will be purchasing all of our items. We will not be accepting any donations.

Proposed Square Footage 2,246

Proposed Hours of Operation:

Weekday From 9:00 To 6:00

Friday From 9:00 To 9:00

Saturday From 9:00 To 9:00

Sunday From N/A To N/A

Trade Name of Business (If applicable) Lost & Found Treasures

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January, 2015)

Application
Special Exception
Page 2

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) Shy (First) Dennis & Donna (MI) E/C

Mailing address of applicant (Street/P.O. Box): 8230 Carrene DR Apt A

(City) Norfolk (State) Va (Zip Code) 23518

Daytime telephone number of applicant (757) 725-2552 Fax () _____

E-mail address of applicant: dennisshy60@gmail.com

AUTHORIZED AGENT (if applicable)

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) _____ (First) _____ (MI) _____

Mailing address of applicant (Street/P.O. Box): _____

(City) _____ (State) _____ (Zip Code) _____

Daytime telephone number of applicant () _____ Fax () _____

E-mail address of applicant: _____

PROPERTY OWNER

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

7950 ASSOCIATES, PLLC
3. Name of property owner: (Last) KOTANDES (First) ALEX (MI) P.

Mailing address of property owner (Street/P.O. box): 5601 VIRGINIA BEACH BLVD.

(City) VIRGINIA BEACH (State) VA (Zip Code) 23462

Daytime telephone number of owner (757) 461-1000 email: petea@kotandes.com

CIVIC LEAGUE INFORMATION

Civic League contact: Henry Brown

Date(s) contacted: 1/6/16

Ward/Super Ward information: Ward 5 Tommy Smigiel / Super Ward 6 Barack
Winn

REQUIRED ATTACHMENTS:

- ✓ Required application fee, **\$355.00** (if check, make payable to the City of Norfolk).
 - Application fee includes a non-refundable \$5 technology surcharge.
- ✓ One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
 - Existing and proposed building structures
 - Driveways
 - Parking
 - Landscaping
 - Property lines (see attached example)
- ✓ One 8½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: _____ Sign: _____ / _____ /
(Property Owner) (Date)

Print name: Dennis E Shy Sign: D E Shy / _____ /
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: Alex Petek Kotarowski Sign: Alex Petek Kotarowski / Jan 11, 2016 /
(Authorized Agent Signature) (Date)

Simons, Matthew

From: Straley, Matthew
Sent: Wednesday, January 13, 2016 12:43 PM
To: 'garland.russell@verizon.net'; 'paul_harrison@verizon.net'; 'hankmech99@cox.net'; 'mjones176@cox.net'
Cc: Smigiel, Thomas; Winn, Barclay; Ransom, Carlton; Simons, Matthew
Subject: new Planning Commission application - 7924 Chesapeake Blvd, Suite A
Attachments: Lost_Found.pdf

Ms. Russell, Mr. Brown, Ms. Simpson-Jones:

Attached please find the application for a special exception to operate a used merchandise sales establishment at 7924 Chesapeake Boulevard, Suite A.

The item is tentatively scheduled for the February 25, 2016 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Matt Simons* at (757) 664-4750, matthew.simons@norfolk.gov

Thank you.

Matthew Straley

GIS Technician II
Norfolk Department of City Planning
810 Union Street, Suite 508 | Norfolk, Virginia 23510
Matthew.Straley@norfolk.gov | Tel: 757-664-4769 | Fax: 757-441-1569

From: Peggy & Garland Russell [<mailto:garland.russell@verizon.net>]
Sent: Friday, February 12, 2016 9:21 AM
To: Straley, Matthew
Subject: Re: new Planning Commission application - 7924 Chesapeake Blvd, Suite A

Matthew,

Mr. and Mrs. Shy have attended our civic meetings on two occasions, talked about their plans and answered questions concerning their business. Several of our members have visited the Lost and Found Treasures and all agreed that we have no objections to their business. Last evening at our regular meeting we voted unanimously in support of their establishment at 7924-A Chesapeake Blvd.

Peggy Russell, President
South Bayview Civic League

On 1/13/2016 12:42 PM, Straley, Matthew wrote:
Ms. Russell, Mr. Brown, Ms. Simpson-Jones:

Attached please find the application for a special exception to operate a used merchandise sales establishment at 7924 Chesapeake Boulevard, Suite A.

The item is tentatively scheduled for the February 25, 2016 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Matt Simons* at (757) 664-4750, matthew.simons@norfolk.gov

Thank you.

Matthew Straley
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Matthew.Straley@norfolk.gov | Tel: 757-664-4769 | Fax: 757-441-1569